

1 THOMAS A. WOODS (SB #210050)
thomas.woods@stoel.com
2 MICHAEL B. BROWN (SB #179222)
michael.brown@stoel.com
3 ALYSSA C. MALINOSKI (SB #322794)
alyssa.malinoski@stoel.com
4 STOEL RIVES LLP
5 500 Capitol Mall, Suite 1600
6 Sacramento, CA 95814
Telephone: 916.447.0700
Facsimile: 916.447.4781

7 Attorneys for Defendant
8 Ross Island Sand & Gravel Co.

9
10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12 STARR INDEMNITY & LIABILITY
13 INSURANCE COMPANY,

14 Plaintiff,

15 v.

16 ROSS ISLAND SAND & GRAVEL CO.,

17 Defendant.

Case No. 2:21-cv-00791-KJM-DB

JOINT STIPULATION TO CONTINUE
PRE-TRIAL AND DISCOVERY
RELATED DEADLINES; ORDER

1 Plaintiff Star Indemnity & Liability Insurance Company (“Plaintiff” or “Starr”) and
2 Defendant Ross Island Sand & Gravel Co. (“Defendant” or “Ross Island” and collectively with
3 Plaintiff as the “Parties”) hereby stipulate to continue all pre-trial and discovery related deadlines,
4 and respectfully request that the Court re-set the case schedule pursuant to the minute order (Dkt.
5 #14) as proposed and agreed to below.

6 The Parties proffer the following reasons as good cause for this Stipulation and Proposed
7 Order:

8 1. On May 3, 2021, Plaintiff filed the instant lawsuit in this Court for declaratory relief
9 against Defendant under the doctrine of *uberrimae fidei* (the “Lawsuit”).

10 2. On August 20, 2021, the Parties submitted a Joint Status Report as required by the
11 Court’s standing order (ECF No. 2, ¶ 4), Local Rule 240(b), and Federal Rule of Civil Procedure
12 26 (Dkt. #11).

13 3. On September 16, 2021, the Court issued its Scheduling Order setting all discovery
14 and trial-related dates (Dkt. #14).

15 4. On October 15, 2021, Plaintiff served Defendant with Request for Production of
16 Documents, Set One.

17 5. On October 21, 2021, Defendant served Plaintiff with Request for Production of
18 Documents, Sets One through Four.

19 6. On November 12, 2021, Defendant timely served responses and objections to
20 Plaintiff’s requests. Defendant also produced responsive documents.

21 7. On December 21, 2021, after an agreed upon extension, Plaintiff served responses
22 and objections to Defendant’s requests. Plaintiff also produced responsive documents, and as
23 Plaintiff believed that some of the documents contained confidential and proprietary information,
24 Plaintiff agreed to provide these documents upon execution of an agreed protective order.

25 8. On January 5, 2022, Defendant sent Plaintiff correspondence in a good faith attempt
26 to meet and confer regarding certain alleged deficiencies in Plaintiff’s responses, which letter
27 Plaintiff responded to in writing on January 13, 2022.

28 ///

9. On January 24, 2022, Plaintiff produced further responsive documents to Defendant and following that date, the parties reached agreement as to a Stipulated Protective Order, which the Court approved on February 8, 2022 (Dkt. #17).

10. As of the date of this filing, the Parties are still undergoing extensive meet and confer efforts, including the scope of requested documents.

11. The Parties agree that additional time is needed to prepare this case for trial. Extending all discovery related dates by approximately one hundred and twenty (120) days will permit the Parties to fully develop their claims, counterclaims, and defenses. This will also permit the Parties time to resolve all outstanding discovery disputes either by stipulation or motion practice.

12. Accordingly, the Parties request the following modifications to the briefing schedule:

Order [Dkt #14]	Current Deadline	Proposed Deadline
Close of Non-Expert Discovery	May 27, 2022	September 27, 2022
Disclosure of Experts and Exchange of Expert Reports	June 24, 2022	October 24, 2022
Responsive Expert Disclosures and Reports	July 22, 2022	November 22, 2022
Rebuttal Expert Disclosures and Reports	August 12, 2022	December 12, 2022
Close of Expert Discovery	September 30, 2022	January 30, 2023
Dispositive Motion Deadline (<u>Heard</u> by)	October 21, 2022	February 21, 2023
Private Mediation Deadline	November 8, 2022	March 10, 2023

13. Currently there is no trial date scheduled for this matter.

14. No prior continuances have been requested. The Parties will not be prejudiced by this continuance. To the contrary, the proposed continuance would allow the Parties to efficiently prepare this case for trial.

///

///

///

///

///

///

1 Dated: February 10, 2022

STOEL RIVES LLP

2
3 By: /s/Thomas A. Woods

4 Thomas A. Woods

Michael B. Brown

Alyssa C. Malinoski

Attorneys for Defendant

Ross Island Sand & Gravel Co.

6 Dated: February 10, 2022

GIBSON ROBB & LINDH LLP

8 By: /s/Michael J. Cummins (as authorized on 2/10/22)

9 Michael J. Cummins

R. Hudson Hollister

Attorneys for Plaintiff

Starr Indemnity & Liability Company

ORDER

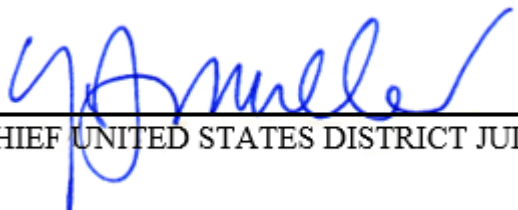
Having read the Parties' Joint Stipulation to Continue Pre-Trial and Discovery-Related Deadlines for approximately one hundred and twenty (120) days, the Parties have shown good cause to continue all dates listed above as stipulated. The Parties' request for approximately one hundred and twenty (120) days continuance is hereby GRANTED.

IT IS HEREBY ORDERED THAT:

1. The non-expert discovery cutoff is continued to September 27, 2022.
2. The expert disclosure deadline is continued to October 24, 2022.
3. The responsive expert disclosures and reports deadline is continued to November 22, 2022.
4. The rebuttal expert disclosures and reports deadline is continued to December 12, 2022.
5. The expert discovery cutoff date is continued to January 30, 2023.
6. The deadline in which all dispositive motions must be heard by is continued to February 17, 2023.
7. The Parties must engage in private mediation on or before March 10, 2023.

IT IS SO ORDERED.

DATED: February 16, 2022.


CHIEF UNITED STATES DISTRICT JUDGE